

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 30 2014

TYRONE HENRY McMILLER,)
)
Plaintiff,)
)
vs.)
)
GEO GROUP, INC., et al.,)
)
Defendants.)

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY Shh, DEPUTY

No. CIV-12-1060-W

ORDER

On August 15, 2014, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that defendants Rick Whitten, Dallas Butler, Michael Plume, Leah Harding, Captain Kevin Jones, Lieutenant Robert Benoit, Investigator David Castro, Unit Manager Clifford Bernard and Case Manager Beverly Taylor be granted summary judgment. Plaintiff Tyrone Henry McMiller, proceeding pro se, was advised of his right to object, see Doc. 100 at 14, and despite an extension of time to do so, see Doc. 104, McMiller filed no objections to the Report and Recommendation within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggestion that these defendants are entitled to summary judgment under Rule 56, F.R.Civ.P., because McMiller not only has failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), but also has failed to show that genuine issues of material fact exist with regard to the elements of his causes of action that would preclude summary adjudication in these defendants' favor.

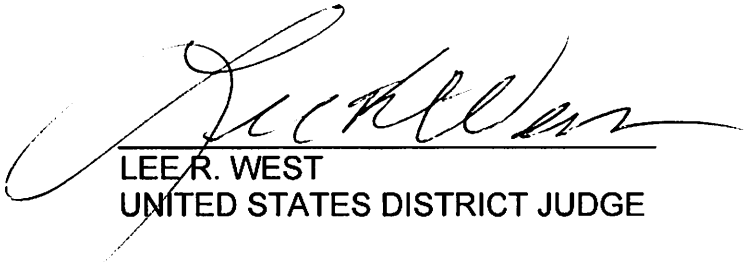
Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 100] filed on August 15, 2014;

(2) GRANTS the Motion for Summary Judgment [Doc. 93] filed on February 13, 2014, by defendants Whitten, Butler, Plume, Harding, Jones, Benoit, Castro, Bernard and Taylor; and

(3) FINDS these defendants are entitled to judgment as a matter of law.¹

ENTERED this 30th day of September, 2014.



LEE R. WEST
UNITED STATES DISTRICT JUDGE

¹The parties are ADVISED that judgment pursuant to Rule 58, F.R.Civ.P., will be entered once all claims against all parties have been resolved.